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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,393	12/28/2000	Ji-Young Kim	678-580 (P9655)	9536
28249	7590	01/13/2005	EXAMINER	
DILWORTH & BARRESE, LLP			VU, KIEU D	
333 EARLE OVINGTON BLVD.			ART UNIT	
UNIONDALE, NY 11553			PAPER NUMBER	

2173

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,393

Applicant(s)

KIM, JI-YOUNG

Examiner

Kieu D Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parks et al ("Parks", USP 5877746) and Finke-Anlauff ("Finke-Ankauff", USP 5479476)

Regarding claims 1 and 8, Parks teaches a method for creating a user-customized menu in a telephone (customize the phone feature) (col 17, lines 43-46) having a menu table (see menu table in Fig. 8) in which service menus for a user are stored in association with corresponding indexes (see Fig. 8), the method comprising the steps of upon receipt of a user-customized menu creating key, switching an operating mode of the radio telephone to a user-customized menu creating mode (col 9, lines 26-29) (also see col 17, lines 42-50); receiving a user-customized menu index in the user-customized menu creating mode (col 17, lines 44-46); (col 18, lines 14-22); after receiving the user-customized menu index, receiving a sub-menu index to be set as menu contents in the user-customized menu index (receiving various suboptions) (col 18, lines 14-22); and after receiving the menu index, storing the menu index in association with the user-customized menu index (col 18, lines 22-26). Parks differs from the claim in that Parks does not teach that menu the customization can be applied for portable radio phone. However, such feature is known in the art as taught by

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Finke-Anlauff. Specifically, Finke-Anlauff teaches mobile telephone having groups of user adjustable operating characteristic which comprises the user customization of telephone features from a menu (Fig. 3, col 2, lines 6-13). It would have been obvious to one of ordinary skill in the art, having the teaching of Parks and Finke-Anlauff before him at the time the invention was made, to apply the method for phone menu customization taught by Parks to the mobile phone taught by Finke-Anlauff with the motivation being to enable the user to easily and conveniently customize the mobile phone menu.

Regarding claim 2, Parks teaches that said menu index is a service menu index stored in the menu table (Fig. 8).

Regarding claim 3, Parks teaches the displaying a message for requesting the user to input a desired user-customized menu index after switching the operating mode of the portable radio telephone to the user customized menu creating mode (col 18, lines 54-55).

Regarding claim 4, Parks teaches the displaying a message for requesting the user to input a menu index desired to be input as menu contents in association with the received user-customized menu index (col 18, lines 54-55).

Regarding claim 5, Parks teaches the creating a user-customized menu in a telephone (customize the phone feature) (col 17, lines 43-46) having a menu table (see menu table in Fig. 8) in which service menus for a user are stored in association with corresponding indexes (Fig. 8), the method comprising the steps of upon receipt of a user-customized menu creating key, switching an operating mode of the radio

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telephone to a user-customized menu creating mode (col 9, lines 26-29); displaying a message for requesting the user to input a desired user-customized menu index (col 18, lines 54-55); receiving a user-customized menu index (col 17, lines 44-46; col 18, lines 14-22); displaying a message for requesting the user to input a menu index desired to be input as menu contents to be stored in the received user-customized index (col 18, lines 54-55), after displaying the menu index input request message, receiving from the user a sub-menu index to be set as menu contents in the customized menu index (col 18, lines 14-22); storing the received menu index in association with the user-customized menu index (col 18, lines 22-26). Parks differs from the claim in that Parks does not teach that menu the customization can be applied for portable radio phone. However, such feature is known in the art as taught by Finke-Anlauff.

Specifically, Finke-Anlauff teaches mobile telephone having groups of user adjustable operating characteristics which comprises the user customization of telephone features from a menu (Fig. 3, col 2, lines 6-13). It would have been obvious to one of ordinary skill in the art, having the teaching of Parks and Finke-Anlauff before him at the time the invention was made, to apply the method for phone menu customization taught by Parks to the mobile phone taught by Finke-Anlauff with the motivation being to enable the user to easily and conveniently customize the mobile phone menu.

Regarding claim 6, Parks teaches that the menu index is an index of a service menu previously stored in the portable radio telephone (col 17, lines 64-67).

Regarding claims 7 and 9, Parks teaches the releasing the user-customized menu creating mode after storing the menu index in association with the user-customized menu index (col 6, lines 12-15).

3. Applicant's arguments filed 05/03/04 are fully considered but they are not persuasive.

In response to Applicant's statement that "[c]laims 1, 5, and 8 were amended to include the "main menu index" and the "sub-menu index" as requested by the Examiner", it is noted that in the Final Office Action, Examiner stated that Applicants argue on the language that is not claimed, Examiner did not request the inclusion of this language in the claim.

In response to Applicant's argument that "such comparison is not justified.....index assignments", it is noted that such is not quite the case since even though Parks uses the word "suboption" instead of index, both Parks and the present application teaches creating customized menu based on existing menu functions.

In response to Applicant's argument that "Parks does not disclose the use of a numeric indexes or storing of the menu in association with corresponding indexes", it is noted that such is not quite the case. Col 18, lines 14-20 teaches customizing phone menu by selection among various suboptions (indexes) and lines 22-26 teaches storing the menu which is customized. Therefore, it is clear that Parks teaches storing menu in association with corresponding indexes.

In response to Applicant's argument that Parks teaching cannot be compared with creation by a new, customized menus as recited in claims 1, 5, 8, it is noted that

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such is not quite the case since Parks teaches creating customized menu as clearly explained in the rejection above.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

Patent Examiner

